

STATE OF SOUTH CAROLINA
JUDICIAL DEPARTMENT



ANNUAL ACCOUNTABILITY REPORT
FISCAL YEAR 2000 - 2001

September 5, 2001

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South Carolina Judicial Department Accountability Report 2000 – 2001

Accountability Report Transmittal Form

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| Agency Name: | <u>South Carolina Judicial Department</u> |
| Date of Submission: | <u>September 5, 2001</u> |
| Agency Director: | <u>Honorable Jean H. Toal, Chief Justice</u> |
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SECTION I - EXECUTIVE SUMMARY

Mission and Values

By the adoption of Article V, Section 1, of the South Carolina Constitution, the people of this State established the Judicial Department as one of the three co-equal branches of South Carolina State Government. At some point, virtually every citizen in our state will have contact with the Judicial Department, whether that contact is direct because of involvement in a civil dispute or criminal matter, or indirect because the citizen's life is impacted by a decision of a trial or appellate court which could involve local zoning, taxation, or interpretation of a state statute. The mission of the Judicial Department is to insure that an accessible forum is available for the resolution of civil disputes and criminal matters and to resolve those cases in a fair and efficient manner. The Judicial Department strives to provide a court system that citizens of the state perceive as treating all persons equally and as resolving all matters in an unbiased and just manner according to the law as established by the United States Constitution and the Constitution of South Carolina, state statutes and the common law.

Major Achievements

Information technology continues to drive court system efficiency. Over the last six years, the Judicial Department has increasingly utilized information technology in its business practices. This past year, the Judicial Department began a major five-year initiative to modernize the judicial system, at all levels, through the use of technology. The vision of the Judicial Department is to provide a fair, efficient, and compassionate court system through cost effective use of technology.

The following major accomplishments were among those achieved in fiscal year 2000-2001:

- § Development of a Strategic Technology Plan which sets forth initiatives necessary to achieve a sophisticated and statewide integrated justice system infrastructure to more readily disseminate information, deliver better service, and educate greater numbers of the public about the judicial process, judicial procedure, judicial proceedings, judicial records, and court rules.
- § Launch of the Judicial Department Website which more readily disseminates information to lawyers, the general public, and the media about the court system.
- § Initiation of the development of a statewide web-based court case management system which will enable the Judicial Department to become an integrated statewide system that renders geography largely irrelevant and produces greater efficiency at reduced cost with wider access and enhanced accountability.

- § Completion of the procurement process for a Supreme Court Imaging/Archival system for automated document storage and retrieval which will provide a model for similar projects in all 46 county clerk of court offices and allow easier access to court documents by members of the judicial system and the general public.
- § Development and deployment of an automated Attorney Grievance System to streamline the operation of the Office of Disciplinary Counsel and provide for timelier processing of complaints regarding attorney conduct.
- § Development of network connectivity options for all 46 counties and provision of surplus computers to rural county clerks of court to enhance their productivity.
- § Increased and enhanced communication with stakeholders and customers of the Judicial Department through the use of focus groups and presentations statewide.

Opportunities and Barriers

The Judicial Department's ability to meet its goals is affected by Constitutional mandates and separation of powers. Criminal prosecution is an Executive Branch function and the number of cases filed and the disposition rate of those cases are influenced by the prosecutorial arm of state government. The Legislative Branch enacts legislation that also impacts the Judicial Department's ability to meet its goals as new laws are enforced by the Executive Branch and must be interpreted by the Judicial Department. The Judicial Department's objective is to provide efficient forums for resolution of issues brought forth through Legislative Branch enactments and actions initiated by the Executive Branch, with citizens' input. The level of funding provided to the Judicial Department by the Legislative and Executive Branches is a definitive factor in the quantity and quality of resources available to achieve Judicial Department objectives.

Further, the ability to provide adequate services for all levels of the Uniform Judicial System is impacted by local funding since city and county governments are presently responsible for providing funding for county courthouses, clerks of court, magistrates, municipal judges, probate judges, and masters-in-equity and their staffs.

A review of fiscal year 2000–2001 accomplishments demonstrates that the Judicial Branch has made significant strides toward fulfilling its goals. However, funding for this Branch of state government for the fiscal year remains at less than 1% of total state appropriations. The recent Department budget cuts decimate the operating budget and affect its ability to fund programs above subsistence levels. As a result, judicial commitment payments have been eliminated, payments to interpreters for the deaf and

non-English speaking court participants have been reduced, funding for Alternative Dispute Resolution programs is not available on a predictable basis and judicial travel to accomplish constitutionally mandated circuit rotation will come to a virtual standstill in January 2002. The Department's total budget has been reduced to \$40 million of which \$36 million or 90% represents funding for judges and state court operations. The remaining \$4 million or 10% is associated with the administrative staff in Columbia who support not only the state funded court operations but also support the locally funded operations within the statewide judicial system and court related programs. Recurring funding in an adequate amount is essential to enable the Judicial Branch to achieve its mission.

As discussed below, the Judicial Department has embarked on a five-year initiative to modernize the judicial system through increased use of technology. The Judicial Department is actively seeking partnerships with other state and federal agencies to enable it to more cost-effectively meet its goals of increasing the disposition rate of cases at all levels of the court system, without sacrificing the quality of justice, and improving the way information is shared with other agencies.

Key Strategic Goals

The following significant efforts are planned for fiscal year 2001-2002:

- § Begin implementation of high-speed network connectivity to the courts in rural counties without network connections to enable those counties to take advantage of emerging technologies to improve the day-to-day operation of the courts and their ability to communicate with other courts and state agencies.
- § Begin electronic integration projects with the State Law Enforcement Division (SLED) regarding disposition reporting and protective orders to avoid duplication of effort and to enhance the timeliness and reliability of information.
- § Establish the Judicial Department Call Center to provide uniform technology assistance on a statewide basis.
- § Conduct regional training (First Fridays) for judges and law clerks on electronic legal research and other productivity enhancing applications.
- § Within budget constraints, continue to explore and experiment with alternatives to traditional ways of disposing of civil and criminal cases, including adult and juvenile drug courts, arbitration and mediation, settlement weeks and criminal docket management through the ad hoc Criminal Docketing Committee appointed by the Chief Justice.

SECTION II – BUSINESS OVERVIEW

Description of Number of Employees, Locations, Key Customers and Suppliers

The Judicial Department has a total of 556 employees, of which 480 employees are directly associated with state funded court operations. 112 are justices or judges and 368 are law clerks, court reporters, judges' secretaries, appellate court clerk staff and staff attorneys. The Supreme Court and Court of Appeals are located in Columbia. Family Court and Circuit Court Judges and their immediate staffs are located throughout the state in the 16 judicial circuits. Family Court and Circuit Court are held in courthouses throughout the 46 counties.

The Judicial Department has 76 employees located in Columbia who provide centralized administrative support to all state funded court operations as well as to the locally funded operations of magistrate courts, municipal courts, probate courts, master-in-equity courts, clerks of court offices and other locally employed. There are 728 magistrate and municipal judges, 46 probate judges, 21 masters-in-equity, and 46 county clerks of court along with staff located in the counties and municipalities across this state.

Our key customers and stakeholders include litigants, grievants, non-litigants participating in court proceedings, attorneys, S.C. Bar applicants, media, and the general public.

The key suppliers of the Judicial Department are the customers of the other two branches of government, as those branches respond to the changing needs of those customers. The Legislative Branch enacts new criminal statutes and thereby provides greater or different protections for citizens. The Executive Branch, through the solicitors and Attorney General, and private parties seek enforcement of the legislative enactments. The Judicial Department then provides forums for the enforcement and interpretation of those enactments.

Description of Major Products and Services

Virtually all citizens of the State have contact with the Judicial Department. The Uniform Judicial System is comprised of all the courts in the State and the major products and services of the various courts are addressed separately below. The Judicial Department functions in two areas: (1) Adjudication and (2) Administration.

1. Adjudication

Supreme Court

In the adjudication area, the Supreme Court decides appeals and also reviews decisions of the Court of Appeals. The Supreme Court provides the litigants with a resolution of the matter from the highest court in the state and interprets and develops the

law of this state. Its published decisions serve as binding precedent on all other courts in this state and therefore serve as a framework for how cases will be decided in the future providing stability and predictability to the law. Thus, the Supreme Court is a law giving court, not simply an error correcting court. The decisions of the Supreme Court and the Court of Appeals are published in the South Carolina Advance Sheets which are published on a weekly basis and are available to the public through subscription and the Judicial Department's Website.

Court of Appeals

The Court of Appeals is a true intermediate appellate court. The Court of Appeals reviews decisions of the lower courts and, sitting in panels of three judges, is able to efficiently decide cases by applying the law to the facts presented. As a result, litigants' appeals are timely finalized in a fair manner. The basic function of the Court of Appeals is to correct errors made in the trial of a case.

Circuit Courts

Circuit courts are South Carolina's trial courts of general jurisdiction. The courts of common pleas provide forums for the resolution of civil disputes involving sums greater than \$7,500. Common pleas courts are available to literally "stop the bulldozer from demolishing the building" and, through the Chief Justice's appointment of one judge to hear the entirety of a complex civil action, are able to more efficiently resolve cases involving numerous parties and varied and complex causes of action. In criminal cases, the court of general sessions protects the rights of the accused to a fair and impartial trial, protects the rights of the victim and balances public safety and the goal of rehabilitating a convicted offender. In the criminal area, again through the Chief Justice's appointment of one judge to preside over a capital case, the court of general sessions is able to provide continuity in decision making in these often highly emotional and difficult cases.

Family Courts

The family courts provide a forum for the resolution of actions seeking the dissolution of a marriage and the division of marital assets. These courts hear and decide actions involving the most intimate details of citizens' lives and do so in a manner that strives to preserve the litigants' privacy while protecting the public's right of access to the courts. Family courts also hear and decide abuse and neglect proceedings, and child support matters, protecting the most vulnerable of South Carolina's citizens. Finally, family courts adjudicate juvenile delinquency matters, working with a multitude of Executive Agencies as they balance public safety with the rehabilitative goals of the juvenile justice system.

Masters-in-Equity

The master-in-equity courts are an extension of the court of common pleas, the civil side of the circuit court, South Carolina's basic trial level court. These courts resolve civil cases that do not require a jury trial and typically involve contract disputes over property or construction and real estate foreclosures. Masters-in-equity generally are able to provide a more rapid resolution of these matters for litigants than if the matter was heard by the circuit court.

Probate Courts

The probate courts provide citizens with a forum to probate wills and settle disputes over the distribution of the assets of estates. Probate courts also preside over proceedings for involuntary commitments, insuring that the rights of citizens who are suffering from a disability requiring involuntary commitment are protected while also insuring that, if necessary, the citizen receives treatment. The Judicial Department has negotiated a statewide license for electronic legal research for Probate Judges. This will allow probate judges access to up-to-date case law and statutory law, tools necessary to improve the quality and efficiency of their decision-making.

Magistrates and Municipal Courts

Magistrates and municipal courts resolve the majority of cases filed in South Carolina. Through continuing judicial education programs, oversight by the Chief Justice and support from Court Administration, this basic forum is provided to resolve a wide variety of disputes between citizens, such as landlord tenant cases and contract cases involving less than \$7,500. Magistrates also issue restraining orders, issue warrants to assist in criminal investigations, set bonds, and resolve criminal cases with lesser penalties. The process for setting bonds has been standardized statewide so all citizens who are arrested and seek to be released on bond receive a timely hearing. As the jurisdiction of magistrate courts increases, the role of the Judicial Department in insuring these courts are equipped to handle more complex cases has likewise increased. Greater emphasis is now being placed on training to enhance these judges' skills. A more highly trained judiciary assures that citizens are satisfied their disputes are resolved fairly.

Jury Service

Jury service in magistrates, municipal and circuit court provides citizens of the state with a unique opportunity to learn about the inner workings of the third branch of government. Although potential jurors often initially view their service as a burden, post-trial comments by jurors indicate that most come away from the experience with a positive view of their role as citizens. Judges and clerks of court strive to ensure jurors' special needs are accommodated. Further, the Judicial Department is constantly working to improve the system to avoid unnecessarily disrupting the normal daily routine of

citizens by calling only the number of jurors necessary to fulfill the Judicial Departments' obligation to provide fair and impartial juries.

2. Administration

Supreme Court

In the area of administration, the Chief Justice and the Supreme Court issue orders and adopt rules governing the courts, judges, lawyers and various commissions and boards created by the Supreme Court. The Chief Justice, as the administrative head of the Judicial Branch, is responsible for the general operation of all courts. The Chief Justice issues orders establishing the terms of court for the family and circuit courts, assigning circuit and family court judges to the terms, appointing circuit and family court judges to serve as chief judges for administrative purposes in each of the circuits, and appointing a chief magistrate for administrative purposes in each county.

Office of Bar Admissions

The Office of Bar Admissions is responsible for processing applications of all persons seeking admission to practice law in South Carolina. Additionally, it processes requests to be certified as lead counsel in death penalty cases, requests for approval of trial experiences required before a lawyer may appear alone in the trial of a case, and requests for certificates of good standing for members of the South Carolina Bar. Finally, it assists the Board of Law Examiners in conducting the South Carolina Bar Examination, and assists the Committee on Character and Fitness as it determines if each applicant has the requisite character to be a member of the South Carolina Bar. These entities ensure that lawyers have the requisite legal knowledge skills and character to competently and ethically handle the legal affairs of the citizens of South Carolina.

Office of Disciplinary Counsel

The Office of Disciplinary Counsel investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in South Carolina and judges who are part of the State unified judicial system. All of the matters handled by the Office of Disciplinary Counsel are filed with, and processed through, either the Commission on Lawyer Conduct or the Commission on Judicial Conduct with many of these matters being finally decided by the State Supreme Court. The purpose of the disciplinary system is to protect citizens from attorneys or judges who, because of flaws in the character or skills or because of mental or physical disability, could pose a danger to the public if they are allowed to continue practicing law or presiding over court proceedings.

Court Administration

Court Administration serves as the administrative arm of the Chief Justice in her capacity as the administrative head of the unified judicial system. This Office has a wide

range of responsibilities and duties which include recommending to the Chief Justice the scheduling of terms of Circuit and Family Court and the assigning of judges to preside over these terms as well as scheduling and supervising the court reporters who transcribe the proceedings. Court Administration provides assistance to individual courts in calendar management, jury management, and record keeping. It supplies reports and documents to the Legislative and Executive Branches with the aid of advisory committees. The Office conducts mandatory legal education programs for magistrate and municipal court judges, orientation schools for new judges and clerks of court. The Office also coordinates planning for the annual Judicial Conference and assists in planning orientation schools for new circuit and family court judges.

Finance and Personnel

The Office of Finance and Personnel is responsible for the Judicial Branch's internal fiscal operation. In addition to budgetary management, this Office is responsible for all personnel matters and payroll and purchasing for the state funded court system. The State funds the salary of the circuit and family court judges, their law clerks, secretaries, and court reporters, as well as related equipment and supplies. County governing bodies are responsible for providing facilities and other support personnel for the operation of the circuit, family, probate, magistrate, municipal and Masters-In-Equity courts.

Office of Information Technology

The Office of Information Technology provides technology support for the state funded staff of the Judicial Department including the purchase and installation of hardware, installation and support of office automation and electronic legal research software, network management, training, applications development, data collection and sharing, report preparation, county systems support, Help Desk support and other technology services. This office is instrumental in overseeing and directing the implementation of the statewide Strategic Technology Plan to modernize the judicial system at all levels.

South Carolina Judicial Department Accountability Report 2000 – 2001

Expenditures/Appropriations Chart

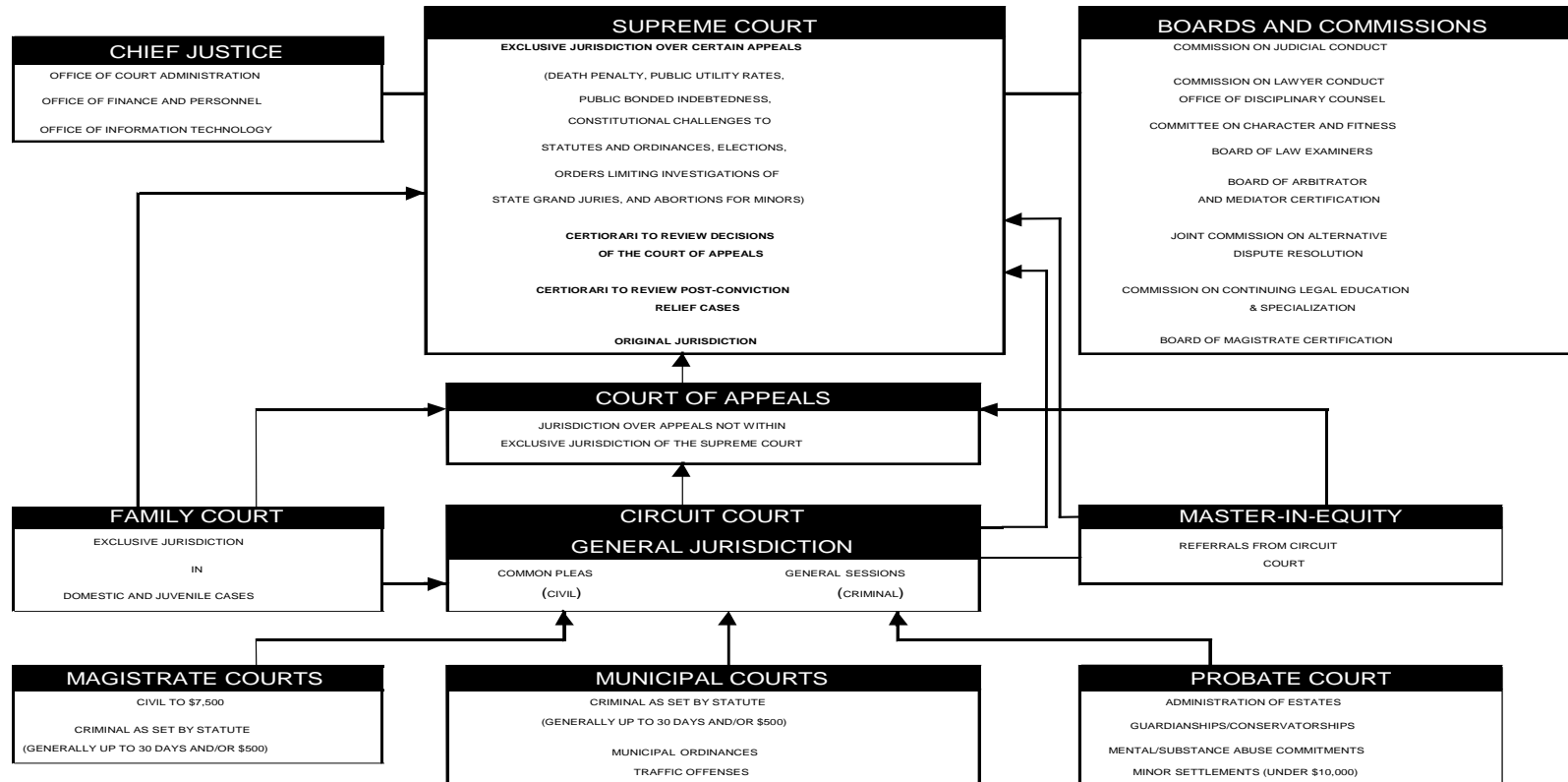
Base Budget Expenditures and Appropriations

| | 99-00 Actual Expenditures | | 00-01 Actual Expenditures | | 01-02 Appropriations Act | |
|-------------------------------|---------------------------|---------------------|---------------------------|---------------------|--------------------------|---------------------|
| Major Budget Categories | Total Funds | General Funds | Total Funds | General Funds | Total Funds | General Funds |
| Personal Service | | \$25,644,257 | | \$27,031,104 | | \$26,630,312 |
| Other Operating | \$54,781 | \$4,392,738 | \$66,575 | \$4,594,880 | \$150,000 | \$2,429,161 |
| Special Items | | \$1,716,658 | | \$4,712,700 | | \$712,591 |
| Permanent Improvements | | | | | | |
| Case Services | | | | | | |
| Distributions to Subdivisions | | | | | | |
| Fringe Benefits | | \$9,419,565 | | \$10,147,811 | | \$10,225,911 |
| Non-recurring | | | | | | |
| Total | \$54,781 | \$41,173,218 | \$66,575 | \$46,486,494 | \$150,000 | \$39,997,975 |

Other Expenditures

| Sources of Funds | 99-00 Actual Expenditures | 00-01 Actual Expenditures |
|-----------------------|---------------------------|---------------------------|
| Supplemental Bills | \$0 | \$0 |
| Capital Reserve Funds | \$0 | \$0 |
| Bonds | \$0 | \$0 |

Judicial Branch Organizational Chart



SECTION III - Elements of Malcolm Baldrige Award Criteria

CATEGORY 1: LEADERSHIP

The State Constitution establishes the Chief Justice as the administrative head of the unified judicial system. In this capacity, the Chief Justice makes policy for the Judicial Branch, appoints a Court Administrator and Chief Judges for the trial courts to aid in the administration of the courts, establishes terms of court, assigns judges within the unified judicial system, and issues administrative orders to insure that the Judicial Branch operates in an effective and orderly manner.

The members of the Supreme Court are the senior leaders in the Judicial Branch. Through the issuance of orders and opinions, they provide guidance to the Bench, Bar, and public by interpreting and applying the law. Additionally, the Supreme Court promulgates rules to govern the practice and procedure before the courts. The Code of Judicial Conduct specifically addresses ethical behavior for all members of the judiciary. The Chief Justice frequently involves the Justices in setting policy for the Judicial Branch.

The Chief Judge of the Court of Appeals is responsible for the operation of the Court of Appeals. The primary responsibility for leadership of the entire court rests with the Chief Judge. However, the nine judges of the Court of Appeals are responsible for leadership decisions regarding the employees of their chambers. The nine judges meet each month to discuss and decide the general business of the court, and the Chief Judge's decisions are often guided by these discussions.

The Chief Justice appoints Chief Judges for Administrative Purposes for the Circuit and Family Courts for each circuit for six-month terms. Additionally, the Chief Justice appoints a Chief Magistrate in each county. Chief Judges and Chief Magistrates are appointed on a rotating basis. Their function is to assist the Chief Justice in the administration of their respective courts. The Chief Justice, Chief Judges for Administrative Purposes and Court Administration monitor performance measures through routine review of caseload statistics.

The directors of each office in the Judicial Department serve as the Executive Staff for the Chief Justice. These directors are responsible for the day-to-day operations of their respective offices, and also provide policy advice and analysis to the Chief Justice. The Director of Court Administration is the Chief Justice's primary assistant in administering the unified judicial system, and assists the Chief Justice in setting policy, establishing court terms, making assignments of judges and promulgating necessary procedures, forms, manuals and other documents. The Clerk of the Supreme Court, serves as the chief administrator for the Supreme Court's docket and manages its support staff; the Clerk of the Court of Appeals serves the same function for that court. The Chief Staff Attorney for the Supreme Court is in charge of the Court's staff attorneys who perform legal research and write legal briefs for members of the Court. The Disciplinary Counsel is responsible for investigation of allegations of misconduct by

judges and attorneys, and makes recommendations for disciplinary action to the Court. The Director of Information Technology manages the development and implementation of the Department's technology plan. The Director of the Office of Finance and Personnel is charged with payroll, accounting and personnel management for the Department.

The underlying mission of the Judicial Department defines the values. The primary mission of the Judicial Branch is to insure that justice is dispensed in a fair, impartial, efficient and timely manner. All of the officers and employees of the Judicial Branch are involved in insuring compliance with each component of this mission.

The Judicial Department provides training for newly elected circuit and family court judges and county clerks of court. A two-week orientation school is provided for all newly appointed summary court judges. In addition, a mandatory annual Judicial Conference is held for all appellate, circuit and family court judges along with law clerks and staff attorneys. Innovations in judicial administration and developments in the law among other topics are discussed at this conference. Magistrates and court reporters are required to attend annual mandatory meetings for continuing education purposes. Department attorneys must comply with annual continuing legal education requirements. All employees are encouraged to pursue professional development.

Assessment of the Department's impact on the general public, the Bar, and the judiciary has been significantly enhanced by the development and creation of public access to judicial related information via the Department's website. Users may access Rules of Court, recent opinions, directories and judges' biographical information. Content is frequently updated to remain current.

The Code of Judicial Conduct restricts judges' participation in extra-judicial activities which may cast reasonable doubt on the judge's capacity to act impartially as a judge; demean the judicial office; or interfere with the proper performance of judicial activities. Judges may speak, write, lecture, teach and participate in other extra-judicial activities concerning the law, the legal system or the administration of justice and non-legal subjects, subject to the requirements of the Code of Judicial Conduct. Likewise, the Code of Conduct for Staff Attorneys and Law Clerks restricts the activities of Department attorneys. Within these confines, the Department actively supports and strengthens the community by supporting the United Way campaign. In addition, staff members participate in the annual 1st Ladies Walk for Life Steps Against Breast Cancer and the Families Helping Families Christmas project.

CATEGORY 2: STRATEGIC PLANNING

Modernization of the Judicial System through incorporation of technology into day-to-day court operations has been a primary focus of the Chief Justice. To that end, the Judicial Branch contracted with an experienced systems integrator in 2000. The first major task of this systems integrator was to develop a comprehensive strategic technology plan for the Judicial Department. This effort took seven months to complete and touched every level of court, in every area of the state. This plan addresses the people, process and technology aspects of the Judicial Department. This strategic plan answers the four fundamental strategic planning questions:

1. Where are we now?
2. What are others doing?
3. Where do we want to go?
4. How do we get there?

The plan was developed after the contractor visited 21 courts across the state, interviewed over 130 people, conducted surveys of all 46 Clerks of Court, and assembled four focus groups. The project team evolved into a joint project team consisting of personnel from Judicial Department Information Technology (IT), county courts, county IT and the systems integrator.

This strategic plan identifies the vision and roadmap for the Department for the next five years. The individual initiatives (people, process and technology) identified in this plan are the ones upon which the Department is acting. This strategic plan was completed in December 2000 and the first initiatives were started in January 2001.

Refinements to individual initiatives are being instituted by the Department's Program Management Office (PMO) structure that is being established (PMO is defined under Category 6). Since this plan is only six months old, no formal updates have been made. The PMO structure that is being put into place within the Judicial Department will be the mechanism that will make the incremental updates to the strategic plan. An incremental update will be made to the plan on an annual basis during the course of the next five years while the original initiatives are being executed.

The joint project team that conducted this effort has established an open working relationship with all entities within and associated with the Department. This joint project team has remained intact during the development and delivery of the first initiatives and it is the intent of the Department to keep this joint project team intact throughout the entire modernization effort of the SC Courts over the next five to ten years. This close working relationship has formed through numerous in-person meetings with individuals at all levels of the courts, in all geographies and demographics. Statewide meetings are held along with task forces and committees as necessary. Members of this the Judicial Department joint project team also participated in the SC Criminal Justice Information System as well as the SC Government Management Information Services. A newsletter has been established and is distributed throughout the

Department on a quarterly basis that summarizes the status and progress of the strategic plan initiatives. The Judicial Department website is continuously updated, and serves as another source of information for all personnel throughout the Department. The Chief Justice, her staff and the systems integrator all provide a consistent message and make presentations at conferences throughout the state. This personal interaction provides the platform for communicating the strategic vision, objectives, action plans and performance measures of the Department. It also provides the platform for staff and personnel to communicate their needs and requirements to the Department's executive management.

Action plans and key strategic objectives are being tracked by the project plans that are developed for each strategic initiative prior to implementation. Therefore, due dates for deliverables are known at the beginning of the project and the entire project team works to meet them. Refinements and adjustments are made as necessary; however, the intended results of the project are always kept on track because the project teams include all entities involved, and have an individual owner and project manager who are held responsible for the project.

The critical success factors for the Judicial Department strategic planning process and execution of the initial initiatives identified in this plan are the following:

- Commitment, support and leadership from the top, beginning with the Chief Justice and her executive staff;
- The fostering of an environment encouraging open and honest communications among all entities within the Department;
- The involvement of personnel from all levels of the organization;
- Completion of manageable and meaningful deliverables in a timely manner;
- Building upon past investments in skills, personnel and infrastructure; and
- Flexibility and ability to adapt according to ever changing needs of the organization.

The Strategic Technology Plan is serving as the current “marching orders” for the organization and will continue to serve this role.

CATEGORY 3: CUSTOMER FOCUS

Key Customers and Stakeholders

Key customers and stakeholders of the Judicial Branch comprise all those who use its services, experience the effects of its actions, and respond to its orders. The key customers appear below ranged from the most particular to the most general.

- Litigants. Individuals and entities who come *pro se* or through counsel before the tribunals of this state form the most obvious, immediate and intensely engaged group of stakeholders. Upon these, the process of justice and its outcome have an undiluted impact.
- Grievants. This group includes those whose experience with the justice system moves them to approach the Office of Disciplinary Counsel with a complaint concerning a judge or a lawyer.
- Non-litigants participating in court proceedings. This group includes, for example, witnesses and jurors.
- Members of the South Carolina Bar. Through the rules of practice, the disciplinary rules, public comment on proposed rules, publication of the opinions and orders, oversight and interpretation of the law, administration of the Bar examination and like activities and functions the Judicial Department maintains close ties with this key stakeholder.
- Applicants. Many individuals apply to the Judicial Department for assistance and services, with an interest more particular than that of the general public. Some of these are applicants for the Bar, applicants to be readmitted to the Bar, applicants for lead counsel in capital cases and applicants for approval of required trial experiences under Rule 403 of the S. C. Appellate Court Rules.
- Media. With their responsibility to report governmental matters, the media follow processes and developments in the courts.
- Non-engaged individuals who desire information. These are members of the public who have nothing pending before the courts. They write, call, or come to the courts to make general or specific inquiries and to have access to public documents.
- General public. In this group are found all those whose interest in the court springs from their general interest in the functioning of government and in events of the world at large.

Identification of Customers' Key Requirements

The Department identifies its stakeholders primarily through direct contact, except for the category denominated "general public."

- Litigants make contact with the courts through formal filings.
- Grievants make contact by telephone, letter or formal filing of a complaint.
- Non-litigants participating in court proceedings. The court summons jurors. Witnesses may appear voluntarily, but the court or a litigant may also subpoena them.
- Members of the South Carolina Bar generally interact with the Judicial Department by letter, telephone or personal visit.

- Applicants approach the Judicial Department through letters, telephone calls or personal visits. Resources are also available on the Judicial Department website for this and all other groups.
- Media. The Department occasionally issues a press release concerning some particular news item. Other news items may be published in connection with the issuance of decisions, in the South Carolina Advance Sheets, a publication containing the published decisions of the Supreme Court and the Court of Appeals. Decisions of the appellate courts are made available to the media at the courts and on the Department's Website.
- Non-engaged individuals who desire information. The members of this group are made known through their direct contact with the courts.
- General public. The status of the Judicial Department as one of the three co-equal branches of government in South Carolina establishes the general public as a stakeholder of the Department. This group requires a Department that is efficient, accessible, and courteously responsive.

Assessment of Customers' Needs

As the head of the Department, the Supreme Court – both in the person of the Chief Justice and as a five-member body – receives information and views from the South Carolina Bar, the Judicial Council, the Ad Hoc Committee on the Rules of Civil Procedure, and other groups and individuals regarding changes that might be made to improve the judicial system. Consequently, the Court has sought out the views of the Bench, the Bar, and the public on various proposed rules and changes. Further, each separate subdivision of the Department, such as the clerk's office of a court, maintains a policy of openness to comments from anyone concerning the operation of the court in a particular instance, or in general. Through its site on the World Wide Web, the Department is able to receive comments from anyone visiting the site.

Implementation of Improvements

In staff meetings at every level and in every subdivision of the Department, information from stakeholders is evaluated and experiences are compared to determine what changes need to be made and whether they can be made with current resources.

Customer Satisfaction and Relationships

The Department determines case processing time for its different subdivisions. When the Department finds cases have progressed from filing to decision without undue delay, the Department has confidence that stakeholders are satisfied with the efficiency of the Department. Supervisory staff emphasizes the vital nature of accessibility and courteous responsiveness. The Department has not tried to measure these qualities, but all supervisors stay alert for instances where these traits may be wanting. By the same token, all stakeholder compliments to staff are passed along. Litigants receive the direct help of the court system in filing their cases and procuring the court's consideration. For other users of court services, the Department endeavors to offer and deliver prompt and accurate information and ready access to the public information a stakeholder may be seeking.

CATEGORY 4: INFORMATION AND ANALYSIS

The Department uses several means to decide which operations, processes and systems to measure.

First, staff constantly monitors the interests of the Department's two key suppliers. Priorities of the Legislative Branch are tracked through analysis of all legislation introduced in both the House and Senate, and by filing fiscal impact statements for bills which may affect the Department's budget or the Judicial System. Executive Branch activities are reviewed to assess their impact on the Department's mission. In addition, interest in certain operations, processes and systems from individuals and entities outside the Judicial Department spurs measurement in particular areas. For example, a member of the media might inquire about the number of cases pending at a given time. This inquiry and others like it are sufficient to alert the Department that one of its key stakeholders has an interest in a particular measurement. This activity in itself is enough to prompt the Court to track this measurement. Upon similar inquiries, the Court has maintained the ability to measure cases in certain categories, such as civil, criminal, and family court.

Second, for staffing and budgeting purposes, the Court has an obvious need to know its own workload and output from year to year. Without this information, the Court could not prepare budget requests or intelligently allocate existing staff.

Third, to schedule terms of Court and assign cases for hearing, the Court must know how many cases and other matters overall it can expect to be handling for the coming year.

Figures are compiled monthly in all relevant areas. Some figures are available electronically from the database. Others are counted by individuals in the clerk's office. Reports are made available to managers as necessary. Any anomalous results are checked for accuracy by recounting, recompiling, and otherwise reviewing the underlying data that may have given rise to the aberrant result.

The compiled figures are reviewed monthly by supervisors and managers, who confer as needed to establish workload assignments for staff and members of the Court.

The Court selects and uses comparative data by reference to its records from previous years. No reliable measurement of caseload quality, i.e., difficulty, has been found. Therefore, the Court uses the compiled caseload and output figures of previous years as guidance in estimating the requirements of the future.

CATEGORY 5: HUMAN RESOURCE FOCUS

The Judicial Department recognizes the need to develop and maintain a diversified work force of professional employees. Significant steps have been taken to provide the means for employees to obtain professional development, career progression, and personal growth as it pertains to the needs of the Department.

The Judicial Department employs 556 staff members. There are 112 Judges and 186 administrative assistants and law clerks who are directly supervised by those Judges. The Department also has 126 Court Reporters who are supervised by the Court Reporters section in Court Administration. The Office of the Supreme Court Clerk, the Supreme Court Staff Attorneys, the Office of the Court of Appeals Clerk, and the Court of Appeals Staff Attorneys employ 56 staff members. The remaining 76 are employed in Court Administration, Information Technology, Finance and Personnel, and the Office of Disciplinary Counsel.

The Department's success depends on the knowledge, skills, and motivation of its employees. Accordingly, the Department has placed emphasis on providing more accessible, effective, and efficient customer related services to employees. It has redefined positions to provide assistance with the development and retention of the current and future work force. This process has greatly enhanced quality-based leadership and management in the areas of benefits administration, payroll, HR administration, and employee relations.

Employees with special educational skills are recruited from the University of South Carolina School of Law, Midlands Technical College which trains court reporters, and colleges throughout the state for other technical and professional positions. Professional publications, job fairs, the state Office of Human Resources (Internet), and newspapers are also used in an attempt to attract and retain the most diverse pool of prospective applicants from the general public.

Employees are provided with one-on-one assistance in all personnel related matters. The availability of this support is on-going throughout the course of employment with the Department. Employees are provided with updated benefits information throughout the year on an as needed basis and during open enrollment.

Emphasis on problem resolution has resulted in increased knowledge of the Job Retention Services Program offered by Vocational Rehabilitation; implementation of the Leave Transfer Program providing assistance to employees in times of hardship; increased knowledge of the Americans with Disabilities Act and the Family and Medical Leave Act so that services can better be provided to employees in need. Programs focusing on health promotion, prevention, and early detection of disease have been implemented and include work site prevention screening and flu shots.

Because a large portion of the Department's employees have specific job skills, much of the training is on-the-job training designed to enhance the skills of the

employees and to help them focus on the needs of the Department and its customers. In addition to the administrative and support groups located in Columbia, each Judge functions as a semi-autonomous entity charged with contributing to the Mission and Vision of the Judicial Department.

There is communication and interaction between the Judge or Division Director and the employees within each division of the Department. This allows for bi-directional and timely exchanges between Judicial Department staff about job performance and job design. Additionally, the Department supports formal scheduled training in the form of the Annual Judicial Conference and formal meetings of the Circuit Court Judges Association and Family Court Judges Association, and meetings of the Court Reporters Association. The remaining employees have periodic formal and informal meetings with others in their area of responsibility.

As evidenced by the current emphasis on automation, communication and the sharing of ideas and information up and down the chain of command is necessary for effective leadership to exist. In keeping with this philosophy, the Chief Justice has instituted quarterly meetings of the central staff in order to provide a forum for communication similar to those that are utilized with other groups of employees.

Through these quarterly meetings, the Judicial Department provides information and training for Judges and staff. Judges and lawyers attend training unique to their positions through the Judicial Department, the State Bar, and other available sources. Staff members are sent to various training sessions sponsored by the Budget and Control Board or by other professional organizations. Senior staff members participate in the Executive Institute Training provided by the Budget and Control Board.

Establishment of a Judicial Training School with a full-time trainer to offer more opportunities for training to develop employees individually and as service providers is a long-term goal. Another goal is to provide employee access to payment and benefits information through the Judicial Department website. This will provide increased and more accessible information for employees.

Each Judge or Division Director is responsible for the motivation and continued training of the employees supervised. Employee satisfaction and well being is measured by each supervisor based on his or her communication with their staff. It is also measured by exit interviews, turnover rates, and employee interaction. The combination of job satisfaction, compensation, state benefits, open communication, and good customer service plays a vital role in achieving and maintaining good morale.

Employees in the Department participate in the United Way campaign through the Department and give to the community individually through their support and participation in various religious and civic organizations.

CATEGORY 6: PROCESS MANAGEMENT

All processes of the Department are directed towards a single goal: to provide the public with the proper resources and services for the timely, efficient and caring administration of justice in accordance with relevant laws and statutes. In order to meet this goal, the Department is a heterogeneous organization composed of a combination of elected officials and staff personnel who are funded through a combination of state and local sources. In order to account for these significant variables and address both the strategic and tactical needs of all of the entities involved, the Department has begun implementing three key process management techniques:

- Teamwork
- Partnership with a systems integrator
- Program Management Office (PMO)

Teamwork: In order to leverage the heterogeneous composition of the Department, but also to keep order, several types of teams that are not reflected on the organizational chart have been established. These teams provide the mechanisms for addressing the changing needs of the organization while at the same time managing, supporting and nurturing relationships, both within the Department itself as well as with partners, both government and private. The Judicial Department teams include:

Specialized Task Forces: There are four task forces addressing special needs of the SC Court system. These task forces are:

1. Court docket management task force composed of justices, judges, solicitors, clerks of court, and staff personnel who are addressing the SC Court caseload backlog issues.
2. Diversion programs task force composed of judges, SC Bar, and staff personnel who are addressing the issues associated with Alternate Dispute Resolution (ADR) program and other available diversion programs.
3. Family Court improvement task force composed of family court judges, clerks of court, Department of Social Services, Children's Law Office, attorneys, and the public who are addressing the issues associated with child abuse and neglect cases.
4. Case management task force composed of clerks of court, clerks' staff, and county and state technology personnel who are overseeing the development of a statewide case management system and the standardization of local processes and procedures associated with this system.

In addition, other ad hoc task forces were assembled to address specific issues, including groups to define requirements for the strategic plan including functional and operational needs, criminal justice, SC Bar and information technology. Another ad hoc committee was formed to address imaging needs at the Supreme Court and Court of Appeals.

Project Teams: Upon authorization of a project by the executive management team (composed of the Chief Justice and her executive staff), a joint project team is assembled

composed of members from every division within the Department that is involved in the effort. A project manager is identified who drives the day-to-day tasks and is responsible for all deliverables and time schedules. All projects must be sponsored by a Business Case Sponsor/Owner who is the individual for whom the results of the project are being delivered and who is accountable for the initial and ongoing success of the project once it is operational.

Partnership with a Systems Integrator: The Judicial Department has formed a close partnership with a contractor to provide systems integration services primarily for the technology challenges of the organization. This partnership has also enabled the Department to refine its management, organization, and process, and be exposed to other best practices from corporate America. In addition, this partnership has enabled the Department to leverage the expertise from the National Center for State Courts (NCSC).

Program Management Office (PMO): The Judicial Department has defined a systems development process that is beginning to be used for the development of both technology and non-technology systems within the Department. This process has seven phases and 26 steps defined that are flowcharted and documented in detail. In addition, four types of teams are identified that interact during the definition, authorization, development, implementation, operation, maintenance and eventual obsolescence of every system within the Department. Mechanisms for reviews and feedback are provided throughout the process.

The following tools are used in process management:

- WordPerfect and Word are used for word processing;
- PowerPoint and Visio are used for flowcharting and graphics representation;
- Excel is used for spreadsheets; and
- Microsoft Project is used for project scheduling.

During FY2001, the Department has just begun and will continue for the foreseeable future migrating from the traditional, manual, paper-based processing to readily incorporating technology into day-to-day operations. As technology is being introduced into operations, factors such as ease of use of the system, ability to provide better service to clients, cost savings, and ability to provide new services to clients are being identified by the Business Case Sponsor/Owner of those systems. These factors are serving as the Department's initial performance indicators of these new systems and it is anticipated that these measures will be updated as the Department matures with technology of the next couple of years. The traditional court measures including caseload, and types of cases continue to be gathered and analyzed; however, the incorporation of technology will enable the Judicial Department to more accurately report these measures which in turn will enable the Department to better manage the courts through the availability of this timely and accurate information.

CATEGORY 7: BUSINESS RESULTS

RESULTS: Supreme Court

As indicated in Section II (6), the Supreme Court has both adjudicatory and administrative functions.

Key Results in the Adjudicatory Area

In the adjudicatory area, the key indicator of results is the case filing and disposition information which follows:

Supreme Court Case Filings and Dispositions for Fiscal Year 2000-2001

Cases Pending July 1, 2000.....1232

Cases Filed in FY 2000-2001.....1717

| | |
|-------------------------------|-----|
| Direct Appeals..... | 428 |
| Petitions for Certiorari..... | 538 |
| Post-Conviction Relief..... | 307 |
| Court of Appeals..... | 231 |
| Original Jurisdiction | 494 |
| Writs..... | 468 |
| Actions..... | 26 |
| Certified Questions..... | 10 |
| Judicial Conduct..... | 4 |
| Lawyer Conduct..... | 41 |
| Bar Admissions..... | 62 |
| CLE and Bar License Fees..... | 140 |

Total Cases Awaiting Disposition.....2949

Cases Disposed Of.....1932

| | |
|--|-----|
| Appeals Transferred to Court of Appeals..... | 346 |
| Direct Appeals..... | 128 |
| Petitions for Certiorari..... | 679 |
| Post-Conviction Relief | 444 |
| Court of Appeals..... | 235 |
| Original Jurisdiction..... | 481 |
| Writs..... | 455 |
| Actions..... | 26 |
| Certified Questions..... | 4 |
| Judicial Conduct..... | 7 |
| Lawyer Conduct..... | 34 |

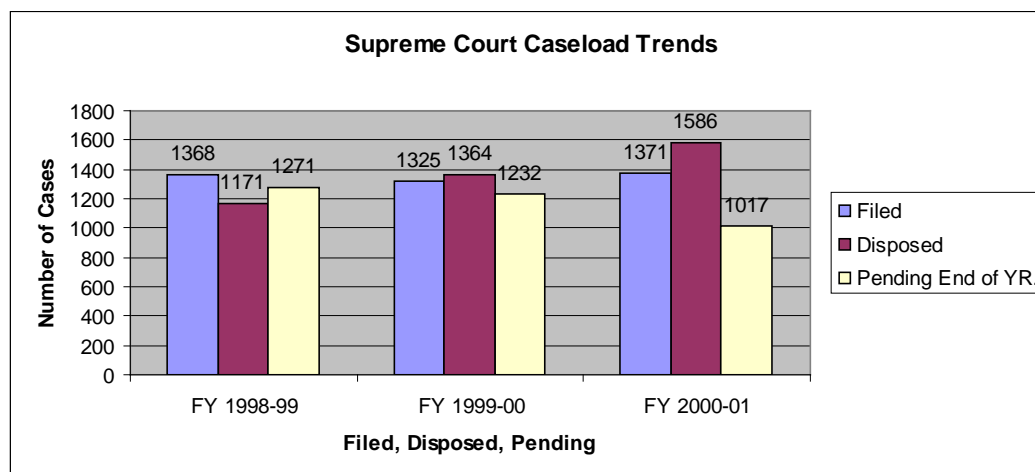
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| | |
|---|-------------|
| Bar Admissions..... | 59 |
| CLE and Bar License Fees..... | 194 |
| Cases Pending June 30, 2001..... | 1017 |

Supreme Court Caseload Activity

| | |
|---|-------------|
| Opinions Issued..... | 250 |
| Published..... | 152 |
| Unpublished..... | 98 |
| Motions Pending July 1, 2000..... | 80 |
| Motions Filed..... | 3306 |
| Motions Ruled Upon..... | 3297 |
| Motions Pending June 30, 2001..... | 89 |

Caseload and disposition data for the last three years (excluding cases which were merely transferred to the Court of Appeals) reflect the following:



The above information shows that the Supreme Court is continuing to reduce the number of pending cases in virtually every category. The result is that cases are being decided in a more expeditious manner. This is a positive outcome to the customers - litigants, lawyers, and members of the public.

Key Results in the Administrative Area

The effectiveness with which the Chief Justice and the Supreme Court administers the trial courts is reflected by the positive key results at every level of the judiciary. The level of supervision, planning and administration provided by the Chief Justice and the Supreme Court contribute significantly to the overall effectiveness of all parts of the judicial system in South Carolina.

Regarding its rule making authority, the Supreme Court has made numerous changes and additions to court rules during the past year. This includes promulgating amendments to the South Carolina Rules of Civil Procedure, implementing and revising a rule governing how lawyers are appointed to represent indigents, and making amendments to the rules governing lawyer and judicial discipline. These rule changes will help further insure that matters brought before the courts are decided in a just and timely manner.

Other Key Results

The Supreme Court prides itself on responding to correspondence in a prompt and courteous manner. On many occasions, the staff of the Supreme Court have been advised that similar correspondence to other parts of the state or local government have simply gone unanswered. While in many cases the Supreme Court cannot provide any substantive assistance, our customers appreciate the fact that they will receive a timely response.

Public access to the key documents maintained by the Court has been greatly increased. This has primarily been accomplished through the Judicial Department Website, www.judicial.state.sc.us. During Fiscal Year 2000-2001, the court rules became available on the Website. The South Carolina Advance Sheets, which contain the published opinions of the Supreme Court and Court of Appeals, are received in printed format by almost 2400 subscribers. To make the Advance Sheets more readily available to these subscribers and the general public, an electronic version of each issue is now available free of charge through the Judicial Department Website. Making these documents readily available is extremely beneficial to the Bench, Bar, litigants, member of the media, and the general public.

The library of the Supreme Court is available to the public and is in constant use by lawyers, litigants and members of the public. The librarian assists in finding resources in the library, and patrons may, for a fee, make copies of documents in the library.

RESULTS: Bar Admissions

The ten key indicators of the results for Bar Admissions are: the number of bar applications filed, the number of bar applicants who appeared before the Committee on Character and Fitness, the number of special accommodation requests which were filed, the number of courses of study filed, the number of applicants taking and passing the Bar Examination, the number of applicants admitted, the number of hearings held on reinstatement petitions, the number of requests for approval of trial experiences which were processed, and the number of applications to be certified as lead counsel in death penalty cases which were processed.

For Fiscal Year 2000-2001, these figures are:

| | |
|--|------------|
| 1. Bar Applications Filed: | 561 |
| 2. Applicants Who Appeared Before the Committee on Character and Fitness: 10 | |
| 3. Special Accommodation Requests Filed: | 13 |
| 4. Courses of Study Filed: | 4 |
| 5. Applicants Taking the Bar Examination:.... .. | 499 |
| 6. Number and Percentage Passing: | 79.2%/ 395 |
| 7. Applicants Admitted: | 395 |
| 8. Hearings Held on Reinstatement Petitions: | 3 |
| 9. Trial Experiences Processed: | 312 |
| 10. Applications to be Certified as Lead Counsel:..... | 21 |

Customer satisfaction has been increased by making rules and forms used in the admission process available on the Department Website, www.judicial.state.sc.us. From comments received, the applicants were very pleased to have the application form available in a format which can be completed on a computer. Previously, the application was only available in paper form and had to be completed using a typewriter.

The Office of Bar Admissions has also used the Internet to make the results of the bar examination available to the applicants in a more timely manner. By posting the results on the Website, a release date and time for the results has been set in advance, and the applicants are able to immediately have the results without waiting to receive notification by mail. Additionally, the website has been a vehicle for providing general information about the admissions process. This has resulted in applicants being able to obtain information about the admissions process in a quick and efficient manner regardless of where they may reside.

The Board of Law Examiners has instituted new procedures to further improve the quality of the essay questions on the bar examination. This includes allowing the examiners to confidentially consult with experts in the subject matter when drafting the questions and model answers, and a more rigorous internal review of the questions and

model answers prior to the administration of the examination. These measures will help further insure that those admitted to practice law in South Carolina are competent to practice law in South Carolina.

During this fiscal year, the Supreme Court approved changes to the Rules of the Board of Law Examiners to give the Board greater flexibility to fashion appropriate accommodations for disabled persons taking the bar examination. This will further the goal of insuring that the appropriate accommodations are provided for every special needs applicant.

Office of Disciplinary Counsel

The Office of Disciplinary Counsel (ODC), the Commission on Judicial Conduct, and the Commission on Lawyer Conduct were created on January 1, 1997 by an Order of the Supreme Court of South Carolina. ODC investigates and prosecutes complaints involving allegations of misconduct and incapacity on the part of lawyers licensed to practice law in the State of South Carolina and judges who are part of the South Carolina Unified Judicial System. All of the matters handled by ODC are filed with, and processed through either the Commission on Lawyer Conduct or the Commission on Judicial Conduct as appropriate even though many of these matters are finally decided by the Supreme Court of South Carolina. ODC provides administrative support to both of these Commissions, therefore the results of ODC are reflected through the disposition of matters before these two Commissions.

The key performance measures for ODC are composed of two separate elements: the results of investigation and prosecution of complaints involving allegations of misconduct and incapacity of judges as part of the Unified Judicial System, and the results of similar activities relating to lawyers licensed to practice law in South Carolina.

RESULTS: Commission on Judicial Conduct

The goals of the Commission on Judicial Conduct are to preserve the integrity of the judiciary and to enhance public confidence in the judicial system through an efficient, expeditious, orderly and publicly responsive process to insure timely and just disposition of complaints of ethical misconduct and physical or mental incapacity made against state judges in accordance with procedures promulgated by the Supreme Court of South Carolina in the Rules for Judicial Disciplinary Enforcement (RJDE) set out in Rule 502 of the South Carolina Appellate Court Rules (SCACR).

Pursuant to Article V, § 4, of the South Carolina Constitution, Rule 502, SCACR, was amended to create the Commission on Judicial Conduct for the purpose of providing a more efficient, open, and publicly responsive process of judicial disciplinary enforcement. The objectives of the Commission are as follows:

- To receive, investigate and expeditiously adjudicate complaints of ethical misconduct and physical or mental incapacity against state judges;
- To review and take action on reports and recommendations of the ODC;
- To provide a forum for public hearings where formal charges are filed against a judge;
- To make final disposition of complaints where authorized by the RJDE;
- To make recommendations to the Supreme Court as to final disposition on

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judicial complaints which cannot under the RJDE be concluded at the Commission level;

- To implement Supreme Court rules and policies governing judges;
- To propose amendments to the Code of Judicial Conduct and to the RJDE as deemed necessary; and
- To refine operating procedures so as to enhance the ability of the Commission to efficiently investigate and speedily adjudicate complaints.

FY 2000-2001 Workload

Complaints pending July 1, 2000.....86

| | |
|---|-----------|
| Complaints received in period July 1, 2000 through Sept. 30, 2000 | 68 |
| Complaints received in period Sept.30, 2000 through Dec.31, 2000 | 44 |
| Complaints received in period Dec.31, 2000 through Mar.31, 2001 | 71 |
| Complaints received in period Mar.31, 2001 through June 30, 2001 | <u>71</u> |

PLUS TOTAL complaints received this fiscal year **254**

TOTAL of pending and received complaints for period of
7/1/00 thru 6/30/01..... 340

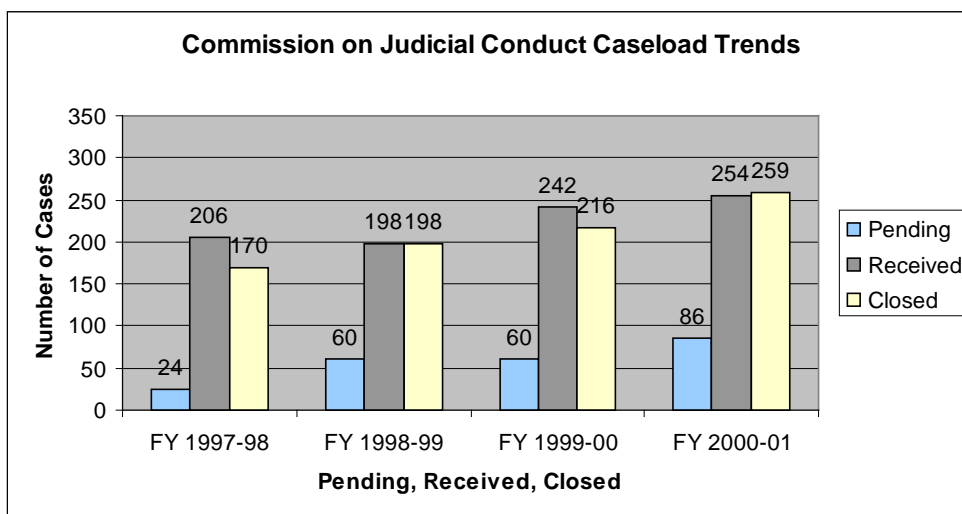
DISPOSITION OF CONCLUDED COMPLAINTS

| | |
|--|------------|
| Dismissed by Disciplinary Counsel after review (no jurisdiction) | 91 |
| Dismissed by Disciplinary Counsel after preliminary investigation (lack of evidence) | 83 |
| Dismissed by Investigative Panel after preliminary investigation | 46 |
| Dismissed by Investigative Panel after full investigation | 3 |
| Dismissed by the Supreme Court | 1 |
| Total Dismissed..... | 224 |
| Referred to another agency | 1 |
| Letter of Caution without finding of misconduct | 5 |
| Letter of Caution with finding of minor misconduct | 13 |
| Private Admonition | 8 |
| Public Reprimand | 7 |
| Suspension | 1 |
| Removal from Office | 0 |
| Other Sanctions | 0 |

Total complaints concluded by referral to other agencies, issuance of letters of caution or imposition

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| | |
|--|--------------|
| of sanctions..... | 35 |
| | == |
| LESS TOTAL complaints concluded this fiscal year | (259) |
| | == |
| TOTAL complaints pending as of June 30, 2001..... | 81 |



RESULTS: Commission On Lawyer Conduct

The goals of the Commission on Lawyer Conduct are to preserve the integrity of the legal profession and to enhance public confidence in the judicial system through the operation of an efficient, reliable and publicly responsive process of receiving, investigating, and adjudicating complaints of ethical misconduct and mental or physical incapacity involving lawyers licensed to practice law in the State of South Carolina in accordance with procedures promulgated by the Supreme Court of South Carolina in the Rules for Lawyer Disciplinary Enforcement (RLDE) of Rule 413 of SCACR.

Pursuant to Article V, § 4, of the South Carolina Constitution and RLDE, the Commission on Lawyer Conduct was created by the Supreme Court of South Carolina for the purpose of providing a more efficient, open, and publicly responsive process of lawyer disciplinary enforcement. The objectives of the Commission on Lawyer Conduct are as follows:

- To receive, investigate and expeditiously adjudicate complaints of ethical misconduct and physical or mental incapacity against lawyers;
- To review and take action on reports and recommendations made by ODC and attorneys appointed by the Supreme Court of South Carolina to assist disciplinary counsel, which attorneys interface with the public and other lawyers throughout the State;
- To make final disposition of matters involving minor misconduct as authorized under the RLDE;
- To provide a forum for public hearings on formal allegations of ethical misconduct by lawyers;
- To make recommendations to the Supreme Court as to a final disposition on lawyer grievance matters where such matters, under the RLDE, must be decided by the court;
- To implement Supreme Court rules and policies governing lawyers;
- To propose amendments to the Rules of Professional Conduct and to the RLDE as deemed necessary; and
- To enhance the ability of the Commission to efficiently investigate and speedily adjudicate complaints by refining operating procedures.

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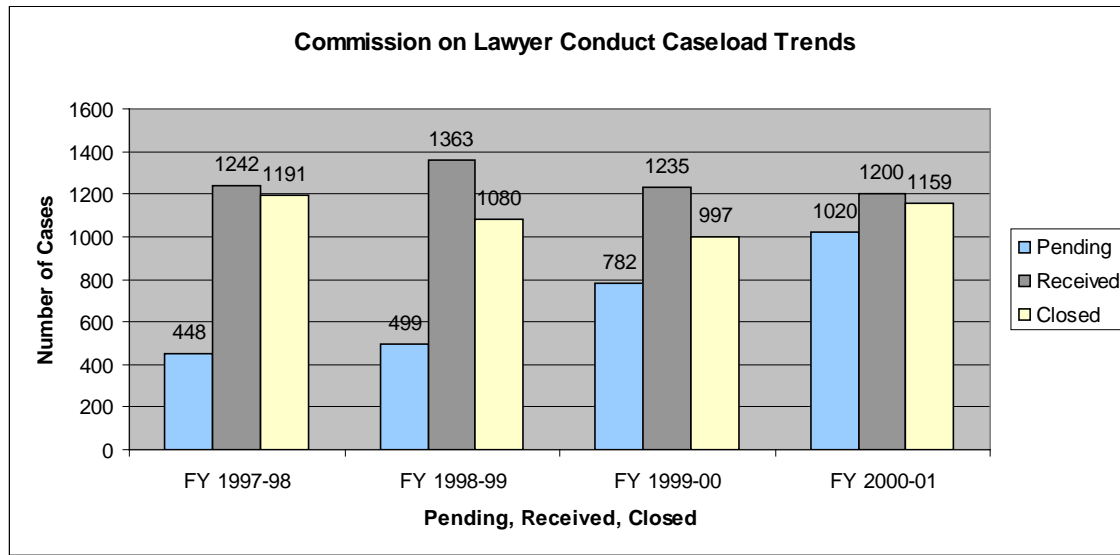
COMPLAINTS PENDING AND RECEIVED

| | | |
|---|-----|--------------|
| Complaints pending July 1, 2000 | | 1020 |
| Complaints received in period July 1, 2000 through Sept. 30, 2000 | 339 | |
| Complaints received in period Oct.1, 2000 through Dec.31,2000 | 332 | |
| Complaints received in period Jan. 1, 2001 through Mar.31,2001 | 261 | |
| Complaints received in period Apr. 1, 2001 through June 30,2001 | 268 | |
| PLUS TOTAL complaints received this fiscal year | | 1200 |
| Reconciliation for closed cases not previously reported | | (120) |
| | | ===== |
| TOTAL of pending and received complaints for period of | | |
| 7/1/00 thru 6/30/01..... | | 2100 |

DISPOSITION OF CONCLUDED COMPLAINTS

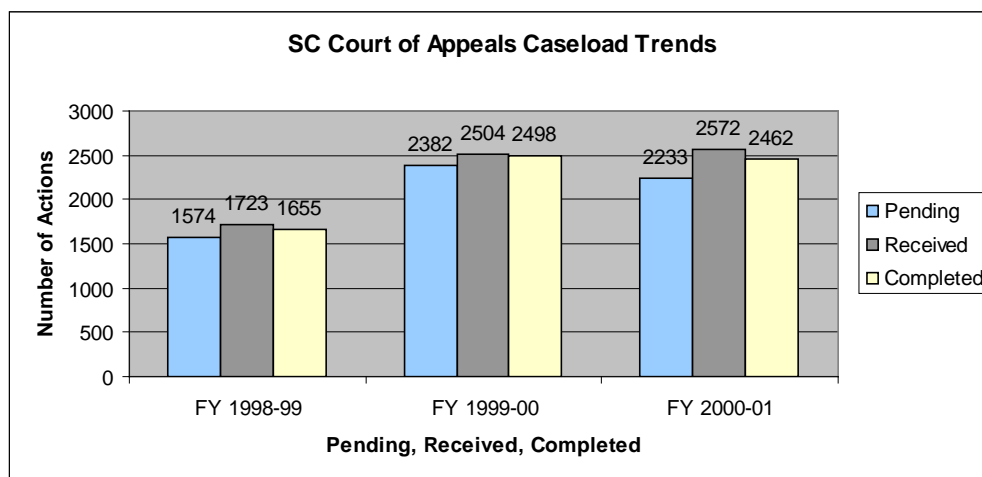
| | | |
|--|-----|---------------|
| Dismissed by Disciplinary Counsel after review (no jurisdiction) | 179 | |
| Dismissed by Disciplinary Counsel after preliminary investigation (lack of evidence) | 499 | |
| Dismissed by Investigative Panel after preliminary investigation | 140 | |
| Dismissed by Investigative Panel after full investigation | 22 | |
| Dismissed by Supreme Court | 1 | |
| Total Dismissed..... | | 841 |
| Referred to Other Agency | 38 | |
| Letter of Caution without finding of misconduct | 50 | |
| Letter of Caution with finding of minor misconduct | 53 | |
| Transferred to Incapacity Inactive Status as final disposition | 1 | |
| Deferred Disciplinary Agreement | 8 | |
| Admonition | 29 | |
| Public Reprimand | 13 | |
| Suspension | 36 | |
| Disbarment | 88 | |
| Other Disposition (death of lawyer) | 2 | |
| Total dispositions by letters of caution, sanctions and other.. | | 318 |
| | | ===== |
| LESS TOTAL complaints concluded this fiscal year | | (1159) |
| | | ===== |
| TOTAL complaints pending as of June 30, 2001 | | 941 |

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RESULTS: Court of Appeals

The Court of Appeals primarily measures workload inflow and outflow through case filings. Customer satisfaction is presumed to arise when the court handles an appeal as expeditiously as possible while providing a full and fair review. The ultimate product of the court is its decisions based on the facts of the cases and the law applicable to those facts. Along the way to those decisions, several stages occur where there may be satisfactions and dissatisfactions. Frequent communication with the litigants keeps the court apprised of any areas of concern during the process of preparing the appeal for consideration by the court. The concepts of customer satisfaction and mission accomplishment are so thoroughly intertwined that separate discussion of these two areas will lead to some duplication of points. The mission of the court is to provide full and expeditious review of appeals within its jurisdiction, to handle all intermediate matters with speed and attention, and to be accessible and flexible to the needs of any litigant. Very occasionally, a litigant may contact the court with a specific complaint or compliment concerning the handling of a case. Otherwise, most contact remains on the level of professional business communication. The Court of Appeals does not maintain a large backlog of cases. The court takes up cases within a few months of when they are ready to be heard.



South Carolina Judicial Department Accountability Report 2000 – 2001

FY 2000-2001

Docketed Cases

| | | |
|--|-----|-------------------|
| Pending July 1, 2000 | | 336 |
| Cases Received | | 900 |
| Transferred from the Supreme Court | 1 | |
| Rehearings granted | 7 | |
| Docketed in the Court of Appeals | 892 | |
| Total Docketed Cases | | 1236 |
| Cases Completed | | (813) |
| Published opinions | 156 | |
| Unpublished opinions | 597 | |
| Cases combined with one opinion | 4 | |
| Cases dismissed as settled or withdrawn | 32 | |
| Cases transferred to the Supreme Court | 24 | |
| <u>Docketed Cases Pending June 30, 2001</u> | | <u>423</u> |

Undocketed Cases

| | | |
|---|--------|---------------|
| Pending July 1, 2000 | | 1319 |
| Cases Received | | 1598 |
| Filed | 1586 | |
| Remittiturs recalled | 12 | |
| Cases Completed | | (1549) |
| Dismissed | 566 | |
| Transferred to the Supreme Court | 13 | |
| Consolidated | 91 | |
| Docketed | 892 | |
| Undocketed Cases Pending June 30, 2001 | | 1356 |
| Motions and Petitions | | |
| Pending July 1, 2000 | | 8 |
| Filed | 5201 | |
| Decided | (5147) | |
| Pending June 30, 2001 | | 62 |

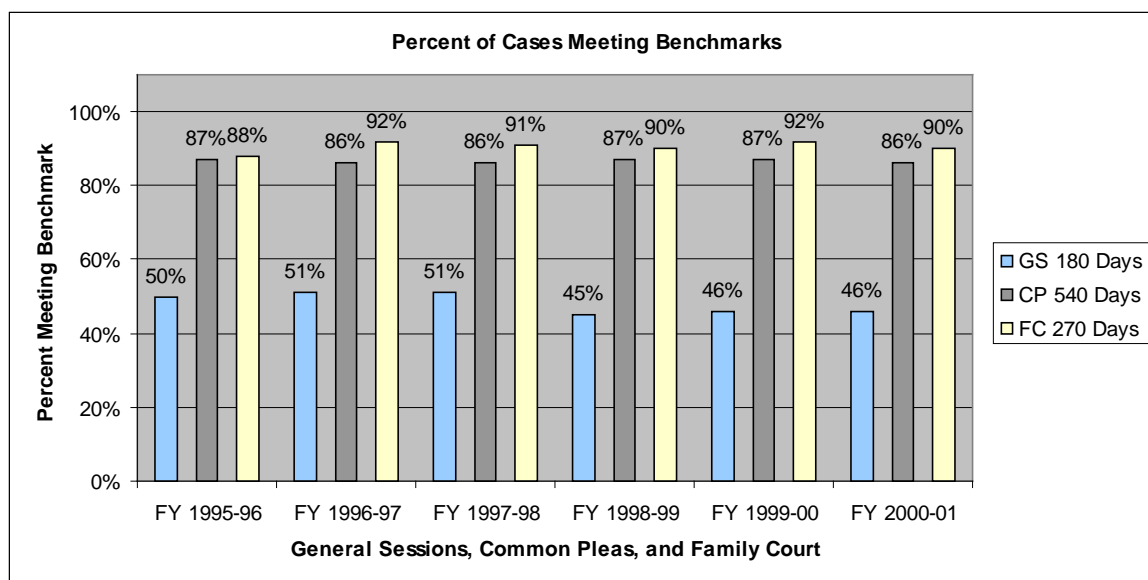
RESULTS: Circuit Court (General Sessions and Common Pleas) and Family Court

Key performance measures for party satisfaction and mission accomplishment for the trial courts are to provide parties with an opportunity to have disputes resolved within a reasonable amount of time. The Chief Justice and Court Administration monitor caseload and assign judicial personnel to meet the demands of the counties in three types of court: the Court of General Sessions, the Court of Common Pleas and the Family Court.

Benchmarks have been established to meet the parties' need to have cases disposed with in a reasonable amount of time, depending on the type of court. The target time for processing a case in general sessions court (benchmark) is resolution within 180 days of filing. The benchmark for a case filed in common pleas court is 540 days from date of filing. Cases filed in family court have a benchmark of 270 days. Benchmark compliance is monitored and adjustments made to ensure timely delivery of judicial services.

The following figures show the progress made to keep dockets with in benchmark targets.

General Sessions Circuits Meeting Benchmarks: 0 of 16
Common Pleas Circuits Meeting Benchmarks: 16 of 16
Family Court Circuits Meeting Benchmark: 16 of 16



Activity in each of the 46 counties is monitored. The long-term goal is to have each county meet the benchmark. The family court and the court of common pleas have shown strong results. Limited but steady progress in the Court of General Sessions can be observed. The influence of Executive Branch decisions regarding prosecution of the criminal docket in general sessions court will continue to impact how and when a county will achieve the 180 day benchmark. However, the Judicial Branch is committed to improving the performance in general sessions court through an approach on two fronts: analysis and development of a case management process by the ad hoc Criminal Docketing Committee chaired by a Justice of the Supreme Court, and improved processing by implementation of a statewide case management system using cutting-edge technology to enhance performance on a county by county level. Adequate funding for these efforts will result in measurable improvement in general sessions court over the next few years.

General Sessions Counties Meeting Benchmark FY 2000-01 4 of 46
Common Pleas Counties Meeting Benchmark FY 2000-01 43 of 46
Family Court Counties Meeting Benchmark FY 2000-01 44 of 46

